

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

1
7g 84 pro
Cop. 2

#1117

LICENSING and REGISTRATION under the ANIMAL WELFARE ACT



DEALERS
RESEARCH
INSTITUTIONS
EXHIBITORS

Program Aid No. 1117
U.S. DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Veterinary Services
September 1975

QUICK REFERENCE

Page

ANIMAL DEALERS (Basic information)	2
--	---

Animal sales (general):

Auction operators—		
Dogs or cats sold	Licensed	3
No dogs or cats sold	Exempt	4
Boarding kennels	Exempt	5
Brokers	Licensed	3
Nonregulated species	Exempt	6
Pounds, public	Exempt	5
Rabbit meat dealers	Exempt	6
Shelters, private	Exempt	5
Trade-day sale sponsors	Exempt	5

Animal transporters:

Common carriers	Exempt	4
Dealer-owned transport	Licensed	3
Private carriers	Licensed	3

Laboratory animal trade:

Breeders	Licensed	3
Brokers	Licensed	3
Bunchers	Licensed	3
Dealers	Licensed	3
Holding facilities	Controlled	5
Importers	Licensed	3
Rabbits (all sales)	Licensed	3
Specimens (all sales)	Licensed	4

Pet animal trade:

Breeders—		
Direct sales	Exempt	5
Sales via pet stores	Licensed	3
Brokers	Licensed	4
Bunchers	Licensed	3
Chain stores—		
No wild animals sold	Exempt	5
Selling wild animals	Licensed	5
Hobby breeders—		
Direct sales	Exempt	5
Sales via pet stores	Licensed	5
Importers	Licensed	2
Rabbit breeders—		
Direct sales	Exempt	6
Sales via pet stores	Licensed	3
Retailers—		
No wild animals sold	Exempt	5
Wild animals sold	Licensed	4
Trade-day sale sponsors	Exempt	5
Wholesalers	Licensed	2

Exotic animal trade:

Anteaters, retail	Licensed	4
Apes, retail	Licensed	4
Chain stores—		
No wild animals sold	Exempt	5
Wild animals sold	Licensed	5

QUICK REFERENCE —Con.

Page

ANIMAL DEALERS—Con.

Gerbils, retail	Exempt	5
Importers	Licensed	5
Kinkajous, retail	Licensed	5
Exotic animal trade—Con.		
Monkeys, retail	Licensed	4
Opossums, retail	Exempt	5
Raccoons, retail	Exempt	5
Retailers—		
No wild animals sold	Exempt	5
Wild animals sold	Licensed	4
Skunks, retail	Exempt	5
Squirrels, retail	Exempt	5
Wholesalers	Licensed	4
Wild cats, retail	Licensed	4

ANIMAL EXHIBITORS (Basic information) 6

Zoological parks:

Aviaries	Exempt	8
Camels	Lic./reg.	7
City zoos	Licensed	6
Farm exhibits	Exempt	7
Federal Government zoos	Controlled ...	6
Llamas, exhibits of	Lic./reg.	7
Petting zoos	Lic./reg.	6
Private zoos—		
Closed to the public	Exempt	7
Open to the public	Lic./reg.	6
Rabbits, exhibits of	Lic./reg.	6
Reptile house	Exempt	6
Roadside zoos	Lic./reg.	7
State zoos	Licensed	6

Businesses with nonperforming animals:

Carnivals (animal prize)	Lic./reg.	7
Game preserves	Exempt	8
Hunting preserves	Exempt	8
Nonregulated species	Exempt	8
Promotional exhibits	Lic./reg.	7

Businesses with performing animals:

Animal acts	Lic./reg.	7
Aquatic shows	Exempt	8
Carnival acts	Lic./reg.	7
Circus acts	Lic./reg.	7
Nonregulated species	Exempt	8
Booking agents	Exempt	8
TV and movie acts	Lic./reg.	7

Competition involving animals:

Dog fighting events	Exempt	8
Horse shows	Exempt	8
Hunting trials	Exempt	8
Pet shows	Exempt	8
Rodeos	Exempt	8
Sporting events	Exempt	8

QUICK REFERENCE —Con.

	Page
RESEARCH FACILITIES (Basic information)	8
Diagnostic laboratories:	
Dogs and cats used Registered . . .	10
Large scale Registered . . .	10
Small scale Controlled . . .	10
Institutions selling or trading surplus animals:	
State-owned facilities Registered . . .	9
Private and local facilities Reg. and Lic. .	9
Types of research facilities:	
Agricultural research Exempt	10
Animal studies, nonfarm Registered . . .	9
Behavioral studies Registered . . .	9
Biologic specimens Exempt	10
College laboratories Registered . . .	9
Drug firms Registered . . .	10
Federal facilities Controlled . . .	10
Laboratory tests Registered . . .	10
Nonregulated species Exempt	10
Privately owned facilities Registered . . .	9
Quality control studies Registered . . .	9
School laboratories Exempt	10
State-owned facilities Registered . . .	9

LICENSING and REGISTRATION under the ANIMAL WELFARE ACT

INTRODUCTION

Proper animal care and comfort is not just good business, it also is required by law under the Animal Welfare Act. This law, passed by Congress in 1966 and amended in 1970, protects most animals that are not raised for food or fiber.

Most businesses that buy or sell animals, exhibit them to the public, or use them in experiments must be licensed or registered by the U.S. Department of Agriculture (USDA). Businesses that use only fish and other coldblooded animals are exempt by law; those that use only aquatic mammals, rats, mice, birds, horses, ponies, or domestic farm animals are exempt by regulation. Certain other types of businesses are specifically exempt by law or regulation. None of the exempt businesses has to be licensed or registered.

This publication lists the major types of regulated and exempt businesses—but it can't cover all cases. If you are in doubt about your status, consult USDA's Animal and Plant Health Inspection Service (APHIS). A list of APHIS Veterinary Services area offices is printed at the end of this publication. APHIS personnel will answer your questions and provide a copy of the Code of Federal Regulations, Title 9, Chapter I, Subchapter A, which gives the legal requirements for businesses regulated by the Animal Welfare Act.

If you are the person in charge of a regulated business, the law requires you to contact APHIS. Failure to apply for licensing or registration is a punishable offense. Once you contact APHIS, you can continue in business as usual until you receive further instructions.

On the basis of information you supply, APHIS determines whether your business should be licensed, registered, or both. Licensing involves a yearly fee; registration is free.

The amount of the license fee ranges from \$5 to \$500 for licensed animal dealers, depending on the dollar volume of business in regulated animals. Fees range from \$5 to \$100 for licensed exhibitors, depending on the number of regulated animals owned.

The same standards of animal care apply to both registered and licensed businesses, and APHIS field inspectors make periodic visits to all locations where your animals are held to see that regulations and standards are followed.

Basically, the Federal animal care standards cover:

- Humane handling
- Housing
- Feeding and watering
- Sanitation and ventilation
- Shelter from extremes of weather
- Adequate veterinary care
- Separation of incompatible animals
- Transportation

If your facilities or practices don't meet Federal standards when you apply, you will be allowed a reasonable time to correct any deficiencies. Licenses are not issued until deficiencies are corrected. Failure to make required corrections within a reasonable time will result in legal action.

ANIMAL DEALERS

If your business falls under any of the categories of "dealers" listed below, you must be licensed by USDA; you are not eligible for registration. In contacting the nearest area office of APHIS, indicate the species you handle, the type of business you are in, and the type of business to which you sell animals.

Regulated Businesses

Pet wholesalers.—Anyone importing, buying, selling, or trading pets in wholesale channels must be licensed. License fees are based on yearly income—sales of regulated animals, less their cost.

Pet breeders.—Anyone breeding pets for the wholesale trade must be licensed. You must be licensed even if you receive only a small but regular income from selling a few litters to or through dealers or pet shops. You also must be licensed if you raise rabbits to supply the wholesale pet trade, even though rabbit farmers supplying only the meat trade are exempt. License fees are based on 50 percent of gross sales of regulated animals.

Laboratory animal dealers.—Anyone importing, buying, selling, or trading laboratory animals, directly to research institutions or through other dealers must be licensed. This licensing requirement includes “bunchers,” who supply dealers with dogs, cats, and other animals collected from random sources; it also includes research institutions (except State or Federal facilities) that sell or trade surplus animals to others. License fees are based on yearly income—sales of regulated animals, less their cost.

Laboratory animal breeders.—Anyone breeding regulated animals (including rabbits) for the laboratory animal trade must be licensed. License fees are based on 50 percent of gross sales of regulated animals.

Animal transporters.—Anyone who transports regulated animals must be licensed. If you are employed by a licensed dealer, you operate under his license like any other employee. Either way, you must obey all standards for transporting regulated animals. (Common carriers are exempt from this provision, as explained below.) License fees are based on income from transporting animals (with no deductions).

Animal brokers.—Anyone who deals in animals but does not take physical possession must be licensed. If you meet this definition of a broker, you are exempt from certain regulations imposed on dealers who handle animals, but you need the same type of license. License fees are based on income from commissions and brokerage fees (with no deductions).

Auction operators.—Anyone who operates an auction at which dogs or cats are sold must be licensed. For example, licenses must be acquired by radio and television stations that conduct auctions with telephoned bids—whether or not the proceeds

go to charity. Auctions that do not handle dogs or cats need not be licensed. License fees for auction operators are based on income from commissions and fees from selling dogs and cats.

Exotic animal wholesalers.—Anyone importing, buying, selling, or trading foreign animals (wild or domesticated) must be licensed if sales are made to zoos, circuses, animal acts, research laboratories, or the pet trade. It makes no difference if you sell imported exotics or domestically bred ones. License fees are based on yearly income—sales of regulated animals, less their cost.

Wild animal retailers.—Anyone who sells wild animals at retail must be licensed. Wild animals are those requiring special care and handling, such as wild cats, anteaters, kinkajous, monkeys, and apes.

In effect, if you sell any wild animals, you are not eligible to claim exemption as a retail pet store. You become a full-fledged dealer and you must comply with standards of care for *all* regulated animals—not just the wild animals. License fees are based on yearly income—sales of all regulated animals, less their cost.

Suppliers of specimens.—Anyone manufacturing or selling laboratory specimens made from regulated animals must be licensed. License fees are based on income from specimens less cost of the specimens or the animals from which they were prepared.

Exempt Businesses

Common carriers.—Any transportation firm licensed by the Federal government is exempt. If you operate as a common carrier, you should realize, however, that dealers shipping animals are responsible for their welfare. They must provide proper crating, furnish feed and water in the crate, and observe health standards for animals delivered to you for shipment.

Retail pet stores.—Anyone selling domestic pets to pet owners is exempt. However, if as a pet store you sell any animals to research institutions, exhibitors, or other animal dealers, you must be licensed. You also must be licensed if you sell wild animals to any person—even at retail, as explained above.

Note, however, that the following are not considered “wild animals” that require “special care and handling”: gerbils, opossums, skunks, squirrels, and raccoons. If you retail these species as “pets,” you need not be licensed.

Exemptions for retail pet stores are on an “all or nothing” basis. If you qualify, none of your business is regulated or inspected. If you don’t qualify, you are a full-fledged dealer, and all your regulated animals are inspected.

Retail chain stores.—Centrally managed stores that sell pets entirely at retail are exempt. Chains, like independent retailers, are treated as business entities on an “all or nothing” basis. If all outlets qualify as “retail pet stores,” the entire chain is free from regulation. Conversely, if *any* outlet does not qualify as a “retail pet store,” the corporation must be licensed as a dealer and *all* regulated animals at *all* outlets are inspected.

Hobby breeders.—Anyone who sells domestic pets, including rabbits, directly to pet owners is exempt, whether sales are made in person or by mail. However, you must be licensed if you sell any animals to dealers, zoos, circuses, or laboratories or if you handle any wild animals.

Public pounds.—Animal shelters that are part of State, county, or local governments are exempt. The exemption covers only the pound’s own activities. You must have a dealer’s license if you purchase animals from pounds or acquire them on contract for resale.

Private shelters.—Animal shelters operated by humane societies and other private groups are exempt unless animals are disposed of through trade channels as pets or to research institutions for use as laboratory animals.

Trade-day sales sponsors.—Anyone arranging occasions for persons to make private sales or trades is exempt. The exemption holds only if the sponsor does not act as intermediary in the transactions. The buyers, sellers, and traders at trade-day sales, however, must be licensed if they meet the definition of a “dealer.”

Boarding kennels.—Anyone housing animals for others is exempt. However, if you operate a “hold-

ing facility” that boards dogs or cats for licensed dealers, you must agree in writing to observe USDA’s standards of animal care, and you must permit APHIS to inspect these dogs and cats to assure that they receive the required care. Dealers need prior APHIS approval to board dogs or cats at holding facilities.

Dealers in nonregulated species.—There is a blanket exemption for anyone handling only animals not included under Federal law or regulations (see Introduction). Examples of businesses not needing licensing or registration are those restricted to birds, fish, or reptiles.

Rabbit meat dealers.—Anyone selling rabbits only to supply the meat trade is exempt. Rabbit breeders supplying the pet trade, the laboratory animal trade, or exhibitors must be licensed.

ANIMAL EXHIBITORS

If you receive direct or indirect compensation from public displays or performances of animals, you must become licensed or registered as an exhibitor.

When first contacting APHIS about a license or registration, indicate the number and species of exhibit animals you have on hand because the license fee is determined by the number of animals held. Also, indicate the income you receive from exhibiting animals and from trading in animals. These figures determine whether you will be an exhibitor or a dealer under the Animal Welfare Act. Licensed exhibitors have a lower fee schedule than licensed dealers, but both are subject to the same animal care requirements.

Regulated Businesses

Zoological parks.—Animal exhibits open to the public must be licensed or registered, whether they are owned by cities and other local governments, the State, or corporations, foundations, and other private persons. Zoos run by agencies of the Federal Government are not licensed or registered, but the animals in these zoos are subject to the same USDA standards of animal care. Petting zoos with regu-

lated animals, including rabbits, must be licensed or registered and are subject to special regulations protecting animals and their visitors.

Roadside zoos.—Tourist attractions exhibiting regulated animals must be licensed or registered. Even if you have a single regulated animal on exhibit, you are regulated.

Carnivals.—Concessionaires who exhibit animals or offer them as prizes must be licensed or registered. This is true for a carnival booth on the midway of an agricultural show that, itself, is exempt.

Promotional exhibits.—Anyone who uses animals to promote or advertise goods or services must be licensed or registered. This is true even if you exhibit only a single animal, such as a bear at a gasoline service station, a monkey at a trade show, or an elephant to ride at a shopping center.

Animal performances.—Any owner exhibiting animals doing tricks or shows must be licensed or registered. This includes each person owning animals performing in circuses, carnivals, independent animal acts, television shows, or movie filmings. Performing animals always must receive the same quality of housing and other care as other exhibit animals, even if the public sees the animals only during performances. If your animal show travels in more than one State, send your application to the Veterinarian-in-Charge of the area where you have your permanent office or winter quarters.

Exempt Businesses

Private collections.—Anyone who collects animals but does not exhibit them to the public for any kind of compensation is exempt. The exemption does not apply, however, if you buy, sell, or trade animals other than to maintain your collection.

Farm exhibits.—Anyone who shows only domestic farm animals to the public is exempt, as, for example, children's farms. Also exempt is anyone who arranges and takes part in showing farm animals or rabbits at agricultural fairs and exhibits. Other exhibitors of rabbits, however, must be licensed or registered. Exhibitors of foreign farm animals not commonly kept on American farms, such as camels and llamas, also must be licensed or registered.

Booking agents.—Anyone booking or arranging animal acts without owning any animals is exempt. As an agent, you should realize, however, that the exhibitors you book must comply with USDA standards for facilities, conditions, and situations where animals may be exhibited.

Pet shows.—Sponsors and participants at pet shows, such as dog shows, cat shows, or rabbit shows, are exempt by law.

Horse shows.—Trainers, owners, riders, and sponsors at horse shows—events where horses perform in certain gaits—are not regulated under the Animal Welfare Act. APHIS regulates them, however, under the Horse Protection Act, which forbids the cruel practice of making a horse sore to enhance its performance. This law does not require registration or licensing.

Rodeos.—Performances featuring only farm animals and horses are exempt from both the Animal Welfare Act and the Horse Protection Act and their regulations.

Animal preserves.—Game preserves, hunting preserves, and similar enterprises that keep animals in the wild state are exempt. However, if you maintain special exhibits for compensation, you must be licensed or registered as an exhibitor. If you sell animals to exhibits, the research trade, or the pet trade, you must be licensed as a dealer.

Shows of nonregulated animals.—Anyone exhibiting only species of animals not covered by law or regulation is exempt. Typical examples would be aviaries, reptile houses, and aquatic shows.

Sporting events and hunting trials.—Sponsors and participants at occasions where animals are used to compete for prizes are exempt because these events are not deemed exhibits. Related inhumane events, such as staged dog fights, are not regulated or controlled under the Animal Welfare Act but are prohibited by law in most States.

RESEARCH FACILITIES

Institutions using any regulated live animals for “research, testing, or experimentation” must register with USDA as “research facilities.” If the institu-

tion is part of a larger organization, the parent organization must acquire the registration. Individual researchers and their attending veterinarians should make sure their institution is legally registered and all USDA regulations and standards are followed.

Included under “research, testing, or experimentation” are:

- Research using regulated animals—including behavioral studies;
- Investigations on animal propagation and control—such as fish and game ecology;
- Laboratory tests—including pregnancy tests, allergy tests, and other diagnostic procedures;
- Quality control studies—such as studies on the safety, effectiveness, durability, or other quality of commercial products; and
- College instruction—whether for research or education.

Registration is required mainly to assure that laboratory animals are provided with care and comfort meeting USDA standards. Registration is required even for institutions doing research on contract containing a clause that USDA animal care standards must be followed.

The law and regulations are designed to leave researchers free to conduct *any* studies they deem necessary. They must, however, use appropriate pain-relieving drugs wherever possible and must submit an annual report, stating whether any regulated animals were used, any painful experiments were conducted, and any pain-relieving drugs were omitted during painful experiments.

Regulated Institutions

State-owned facilities.—Public institutions administered and/or funded by a State government must be registered. State-run institutions, however, do not have to be licensed as dealers even if they sell or trade regulated animals.

Private and local facilities.—Institutions not administered or funded by Federal or State governments must be registered as research facilities. The institution also must be licensed as an animal dealer if regulated animals are sold or traded to others.

Drug firms.—Manufacturers of vaccines, drugs, and other medicines must be registered as research facilities if they do research, development, or quality control tests on regulated animals. Institutions must be registered under the Animal Welfare Act even if they have USDA establishment licenses to produce biologics under the Virus-Serum-Toxin Act. APHIS enforces both Acts, and the same inspector may check for compliance.

Diagnostic laboratories.—All large-scale diagnostic laboratories and all those doing laboratory work using dogs or cats must be registered.

Exempt Institutions

Federal facilities.—Agencies of the Federal Government are not required to register with USDA and are not inspected by APHIS, but each Federal agency is responsible for complying with all USDA standards of animal care.

School laboratories.—Elementary, secondary, and all other schools below the college level are by law exempt from registration.

Small-scale diagnostic labs.—Clinics doing small-scale diagnostic work on animals *other* than dogs and cats are entitled to apply for a specific, individual exemption from registration. Names and addresses of clinics given this exemption can be published.

Agricultural research institutions.—Research institutions doing work on horses and domestic farm animals other than rabbits are exempt by regulation from having to be registered.

Institutions using only biologic specimens.—If no live animals are used, but only dead biologic specimens, an institution is exempt. Suppliers of dead specimens made from regulated animals, however, have to be licensed as dealers.

Institutions using only nonregulated species.—A research institution is exempt if it uses only laboratory animals exempted by law or regulation. Examples are birds, rats, and mice.

AREA OFFICES

APHIS Veterinary Services

Northern Region

Massachusetts, Connecticut, Maine, New Hampshire,
Rhode Island and Vermont

Dr. A. E. Decoteau
424 Trapelo Road
Waltham, Mass. 02154
(617) 894-2400 Ext. 760

New York, Pennsylvania, and New Jersey

Dr. W. W. Thomas
80 Wolf Road, Suite 503
Albany, N.Y. 12225
(518) 472-4477

Maryland, Delaware, Virginia and West Virginia

Dr. Paul Kramer
6525 Belcrest Drive, Suite 601
Hyattsville, Md. 20782
(301) 436-8044

Ohio and Michigan

Dr. Douglas Stauffer
P.O. Box 264
Pickerington, Ohio 43147
(614) 469-5602

Indiana and Illinois

Dr. H. D. White
5610 Crawfordsville Road, Suite 1000
Indianapolis, Ind. 46224
(317) 633-8491

Minnesota and Wisconsin

Dr. B. D. Ward
555 Wabasha Street
St. Paul, Minn. 55102
(612) 725-7691

Southeast Region

Tennessee and Kentucky

Dr. W. E. Ivey
Suite 220 Maryland Farms
Brentwood, Tenn. 37027
(615) 749-5594

Mississippi and Alabama

Dr. Claude Nelson
400 Milner Building (P.O. Box 1120)
Lamar and Pearl Street
Jackson, Miss. 39205
(601) 969-4307

South Carolina, Georgia and North Carolina

Dr. O. L. Kelsey
P.O. Box 11598
Columbia, S.C. 29211
(803) 765-5612

Florida, Puerto Rico, and Virgin Islands

Dr. W. W. Bird
P.O. Box 660400
Miami Springs, Fla. 33166
(305) 592-3210

AREA OFFICES—Con.

South Central Region

Oklahoma, Arkansas, Louisiana

Dr. J. R. Pitcher
115 Northwest 6
Oklahoma City, Okla. 73102
(405) 231-4335

Texas and New Mexico

Dr. E. S. Cox
702 Colorado Street, Suite 301
Austin, Tex. 78701
(512) 397-5557

North Central Region

North Dakota, Montana, South Dakota

Dr. M. B. Huffman
P.O. Box 639
Bismarck, N.D. 58501
(701) 225-4211

Colorado, Utah, and Wyoming

Dr. D. O. Manley
2490 West 26th Avenue, Suite 237
Denver, Colo. 80211
(303) 837-3481

Nebraska and Kansas

Dr. R. W. Gerding
P.O. Box 81866
300 South 17th Street
Lincoln, Nebr. 68501
(402) 475-3544

Iowa and Missouri

Dr. G. W. Spangler
210 Walnut Street, Suite 877
Des Moines, Iowa 50309
(515) 284-4140

Western Region

California, Arizona, Hawaii, and Nevada

Dr. J. B. Healy
650 Capitol Mall, Suite 8566
Sacramento, Calif. 95814
(916) 449-3216

Oregon, Alaska, Idaho, and Washington State

Dr. R. L. Evinger
494 State Street, Suite 203
P.O. Box 2108
Salem, Oreg. 97308
(503) 399-5871